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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,768	07/14/2003	Akira Kuramori	OGW-0276	4045

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EXAMINER

BELLINGER, JASON R

ART UNIT PAPER NUMBER

3617

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JB

Advisory Action Before the Filing of an Appeal Brief

Application No.

10/617,768

Applicant(s)

KURAMORI ET AL.

Examiner

Jason R Bellinger

Art Unit

3617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 2 and 5.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 4 and 7-16.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE


8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 3. NOTE: The Applicant argues that the limitation stating that the support surface "contacting a pair of beads" is not new matter due to the fact that "the leg portions 4b are provided along each end of the support surface 4a (specification at paragraph [0019]", and that due to this configuration "the portion of the support surface 4a that is joined to leg portion 4b is also in contact with a bead 20. However, this limitation is not clearly shown in Figure 1 of the drawings. First, there is no description or indication where exactly the leg portion ends and the support surface begins. Namely, it is unclear whether the leg portion ends before, in the middle, or after the curve that connects it to the support surface. Second, the bead portion of a tire is considered to be the portion of the tire that contacts the rim (including the rim flange). Therefore, the majority of the leg portion is in contact with the sidewall (that portion of the tire extending radially outwardly of the rim flange prior to reaching the tread portion) of the tire, so even if the support surface did extend into the curve that meets the radially outermost part of the leg portion, the support surface would be in contact with the sidewall of the tire and not the beads. Third, as shown in Figure 1, reference character 4b indicates the leg portion, while reference character 4a indicates the support surface. It is clear that the leg portions 4b only include the short segment that sits on the stage of the beads. It would then follow that the support surface 4a would only include the two hemispherical portions of the radially outermost surface of the support 4. The downwardly sloping portion of the support 4 that connects the support surface 4a to the leg portions 4b is unlabelled and undescribed. Therefore, only the leg portions 4b contact the beads of the tire. Therefore, the limitation stating that the support surface "contacting a pair of beads" is still considered to be new matter, as it is not clearly shown or described.

Regarding the Applicant's argument that the Ross reference does not show the support surface extending in the circumferential direction of the tire, Figure 1 of Ross clearly shows that the support surface 1 is an enclosed circle that would extend in the circumferential direction of the tire once mounted in the manner as shown in Figure 2. Therefore the Ross reference is still considered to read on the claims.



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